

REMARKS

Claims 1-20 were presented for examination, are pending and are rejected.

Reconsideration is respectfully requested.

Objection to the Disclosure

The Examiner requires that the status of the copending application be updated on page 3. The applicant has amended the disclosure as required. Therefore the objection should be withdrawn.

The 35 U.S.C. § 112, Second Paragraph Rejections

Claims 4, 5, 8, 9, 17 and 20 are rejected as being indefinite.

The Examiner indicates that in claim 4, line 2, "the group" lacks a proper antecedent basis, and that the remaining claims have a similar problem. The rejection is respectfully traversed.

Please see MPEP 2173.05(h) Alternative Limitations, I. MARKUSH GROUPS, which states: "Alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. One acceptable form of alternative expression, which is commonly referred to as a Markush group, recites members as being "selected from the group consisting of A, B and C." See *Ex parte Markush*, 1925 C.D. 126 (Comm'r Pat. 1925)." This is the form used in the rejected claims.

Claim 8 has been amended as suggested by the Examiner.

Therefore the rejection should be withdrawn.

The 35 U.S.C. § 102 Rejections

Claims 1-6, 8, 9, 11-15 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bruijn et al. The rejection is respectfully traversed.

Independent claims 1 and 11 have been amended to recite the step of controlling the velocity and position of the dynamic mask by a computer to precisely tailor the film thickness distribution. The reference does not teach that the computer controls acceleration and velocity during positioning of the mask, as acknowledged by the Examiner. Claim 2 has been canceled. Claims 3-6, 8 and 9 depend from claim 1. Claims 12-15 and 17 depend from claim 11. Therefore the rejection should be withdrawn.

Claims 1-4, 6, 9, 11, 12, 14, 15 and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Pinarbasi. The rejection is respectfully traversed.

Independent claims 1 and 11 have been amended to recite the step of controlling the acceleration and velocity of the dynamic mask by a computer to precisely tailor the film thickness distribution. The reference does not teach that the computer controls acceleration and velocity during positioning of the mask, as acknowledged by the Examiner. Claim 2 has been canceled. Claims 3, 4, 6 and 9

depend from claim 1. Claims 12, 14, 15 and 17 depend from claim 11. Therefore the rejection should be withdrawn.

Claims 1, 3, 4, 6 and are rejected under 35 U.S.C. § 102(b) as being anticipated by Ohji et al. The rejection is respectfully traversed.

Claim 1 has been amended to recite the step of controlling the acceleration and velocity of the dynamic mask by a computer to precisely tailor the film thickness distribution. The reference does not teach that the computer controls acceleration and velocity during positioning of the mask. Claims 3, 6 and 6 depend from claim 1. Therefore the rejection should be withdrawn.

Claims 1, 3-6 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Morrison, Jr. The rejection is respectfully traversed.

Claim 1 has been amended to recite the step of controlling the acceleration and velocity of the dynamic mask by a computer to precisely tailor the film thickness distribution. The reference does not teach that the computer controls acceleration and velocity during positioning of the mask. Claims 3-6 and 9 depend from claim 1. Therefore the rejection should be withdrawn.

The 35 U.S.C. § 103 Rejections

Claims 7, 10, 16, 19 and 20 are rejected as being unpatentable over Bruijn et al. The rejection is respectfully traversed.

The Examiner states: "It would have been obvious to one of ordinary skill in the art to modify Bruijn to have the computer control the acceleration and velocity of mask so that it can be accurately positioned and also prevent damage to the mask and/or actuators." There is no teaching or suggestion within the reference to make this modification. Rather, the reference indicates that it is successful in producing graded thickness films and ungraded thickness films using the teachings therein. See section 4 on page 919 and section 5 on page 920. Thus, the reference does not suggest that any modification is necessary.

As discussed in MPEP § 2143.01, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings. The Federal Circuit has produced a number of decisions overturning obviousness rejections due to a lack of suggestion in the prior art of the desirability of combining references, as discussed in the aforementioned section.

The Examiner states: "Further it would have been obvious to one of ordinary skill in the art to modify Bruijn to control the deposition using the mask so that the most uniform layer with the smallest tolerance can be formed, since this is the ultimate goal in forming a uniform layer". Again, there is no teaching or suggestion within the reference to make this modification. Rather, the reference indicates that it is successful in producing the desired films using the teachings therein. Thus, the reference does not suggest the modification.

Claims 1, 11 and 19 all include the limitation of using a computer to control the acceleration and velocity of the mask. Claim 7 has been canceled. Claim 10 depends from claim 1. Claim 16 depends from claim 11. Claim 20 depends from claim 19. Therefore the rejection should be withdrawn.

Claim 18 is rejected as being unpatentable over Bruijn et al. in view of the acknowledged prior art of figures 2A and 2B and their description. The rejection is respectfully traversed.

Claim 18 depends from claim 11 which should be allowable over the reference as discussed above. Therefore the rejection should be withdrawn.

Claims 7, 10, 16, 19 and 20 are rejected as being unpatentable over Pinarbasi. The rejection is respectfully traversed.

The Examiner states: "It would have been obvious to one of ordinary skill in the art to modify Pinarbasi to have the computer control the acceleration and velocity of mask so that it can be accurately positioned and also prevent damage to the mask and/or actuators." There is no teaching or suggestion within the reference to make this modification. Rather, the reference indicates that it is successful in producing graded thickness films and ungraded thickness films using the teachings therein. See section 4 on page 919 and section 5 on page 920. Thus, the reference does not suggest that any modification is necessary.

The Examiner states: "Further it would have been obvious to one of ordinary skill in the art to modify Pinarbasi to control the deposition using the mask so that the most uniform layer with the smallest tolerance can be formed, since this is the ultimate goal in forming a uniform layer". Again, there is no teaching or suggestion within the reference to make this modification. Rather, the reference indicates that it is successful in producing the desired films using the teachings therein. Thus, the reference does not suggest the modification.

Claims 1, 11 and 19 all include the limitation of using a computer to control the acceleration and velocity of the mask. Claim 7 has been canceled. Claim 10 depends from claim 1. Claim 16 depends from claim 11. Claim 20 depends from claim 19. Therefore the rejection should be withdrawn.

Claim 18 is rejected as being unpatentable over Pinarbasi in view of the acknowledged prior art of figures 2A and 2B and their description. The rejection is respectfully traversed.

Claim 18 depends from claim 11 which should be allowable over the reference as discussed above. Therefore the rejection should be withdrawn.

Claims 5, 8 and 13 are rejected as being unpatentable over Pinarbasi in view of Morrison, Jr. The rejection is respectfully traversed.

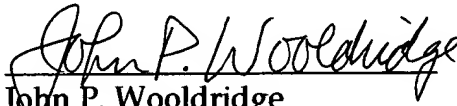
Claims 5 and 8 depends from claim 1, and claim 13 depends from claim 11. Claims 1 and 11 should be allowable as discussed above. Therefore the rejection should be withdrawn.

Conclusions

It is submitted that this application is in condition for allowance based on claims 1, 3-6 and 8-20 in view of the amendments thereto and the foregoing comments.

If any impediments remain to prompt allowance of the case, please contact the undersigned at 808-270-1011.

Respectfully submitted,


John P. Wooldridge
Attorney for Applicant
Registration No. 38,725

Dated: April 1, 2004